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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifth periodic reports of States parties due in 1999

BAHRAIN*

[Original: ARABIC]
[22 February 1999]

* The present document contains the initial, second, third, fourth and fifth periodic reports, submitted in one document, due on 26 April 1991, 1993, 1995, 1997 and 1999, respectively.

Preface

1. The State of Bahrain acceded to the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 under the terms of Amiral Decree No. 8 of 1990, which was published in the Official Gazette on 28 February 1990, and the Convention entered into force in the State of Bahrain on 26 April 1990. In accordance with the provisions of article 9 of that Convention, all States parties have an obligation to submit periodic reports on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of the Convention.

The State of Bahrain has the honour to submit this report, constituting the initial, second, third, fourth and fifth reports, to the Committee on the Elimination of Racial Discrimination.

2. This report has been prepared jointly by the Ministries and other bodies concerned.

PART I

General

Introduction

Bahrain consists of a group of populated islands situated in the Arabian Gulf approximately halfway between the Straits of Hormuz and the Shatt al-Arab estuary. This strategic geographical location has endowed it with considerable importance throughout history since, as one of the principal links between the East and West, it has always been a major hub of international trade.

By virtue of this strategic location, the Bahraini people exhibit distinct and deep-rooted characteristics in keeping with the nature of the commendable qualities that the population of such areas must possess in order to ensure tranquillity and stability for visitors and persons in transit while, at the same time, facilitating the commercial activity in which the population is primarily engaged.

One of the principal distinct characteristics of the Bahraini people is their tolerance, family cohesion, spirit of fraternity, trustworthiness and honesty in their dealings and the absence of any form of bigotry, segregation or discrimination. As a result, visitors from neighbouring States have always enjoyed stability and a calm and peaceful atmosphere and these characteristics were further strengthened and perpetuated when Bahrain embraced Islam and adopted its lofty principles of tolerance and peace.

A. Brief outline of the State

1. Description of the State of Bahrain

1.1 The vast majority of Bahrainis are of Arab origin and can trace their descent partly from the successive tribal migrations from the Arabian Peninsula during or after the pre-Islamic

period. Their historical roots go back to the Dilmun civilization during the pre-Christian era. As a result of their geographical location on the ancient international trade route, they intermixed with a number of migrants from neighbouring countries who settled among them.

1.2 The State of Bahrain consists of an archipelago of islands in the shallow waters of the central Arabian Gulf. This archipelago comprises 36 islands covering a total area of 706 km^2. The largest island is the island of Bahrain, covering an area of 589.83 km^2, which contains the capital Manama and is linked by causeways to neighbouring islands such as Muharraq, Sitra, Umm Na'san and Nabih Salih. The main island is also linked by a causeway to the Kingdom of Saudi Arabia. The other large islands of the Bahrain archipelago include Hawar, situated at a distance of 25 km to the south-east of the main island and covering an area of about 52 km^2. In order to meet the needs of the population, a further area of about 33 km^2 was reclaimed from the sea through landfill between 1976 and 1996. In 1998, 13.3 per cent of the existing land was used for housing purposes, 5.9 per cent for agriculture, 9.3 per cent for industry and commerce, 5.9 per cent for the cultural heritage and tourism and 16.5 per cent for Bahrain's gas and petroleum.

1.3 Bahrain is an independent State that became a member of the United Nations in 1971. Its rulership is hereditary and its system of government and its legislative, executive and judicial authorities are regulated by the Constitution. The system of government in Bahrain is democratic, sovereignty being vested in the people.

1.4 In keeping with its customs and traditions and its Islamic faith, the State of Bahrain has adopted the consultative system and, therefore, established a Consultative Council representing all the population groups and all the country's sectors. This Consultative Council consists of 40 members appointed by His Highness the Amir from among knowledgeable persons of sound judgement and good counsel, in addition to a member from the General Committee of Bahraini Workers (an elected body). The Council's function is to express an opinion on all aspects of the Government's activities, to propose legislation and to advise the Government on important issues. Its members enjoy parliamentary immunity throughout their term in office and are completely free to express their opinions on matters that are raised or discussed in the Council.

1.5 The State is divided administratively into four governorates and the organizational structure of the local administration is currently being developed.

1.6 The State of Bahrain is a member of the League of Arab States, the Gulf Cooperation Council and the Organization of the Islamic Conference.

2. Demographic indicators

2.1 According to the 1991 census, Bahrain's population amounted to 508,037 persons of whom 294,346 were male (57.9 per cent) and 213,691 female (42.1 per cent). The proportion of non-Bahrainis amounted to 36.4 per cent, of whom 70.9 per cent were male and 29.1 per cent female. The following table shows the total non-Bahraini population by nationality group and duration of residence in years:

NON-BAHRAINI POPULATION BY NATIONALITY GROUP AND DURATION OF RESIDENCE - 1991

Nationality groups	Total	Duration of residence						
		Unknown	10 years and over	8 years	6 years	4 years	2 years	Less than 2 years
Gulf Cooperation Council	4 728	141	1 809	234	308	475	640	1 121
Other Arabs	17 877	166	3 814	1 360	1 959	2 985	3 684	3 909
Asian	154 090	2 959	31 482	12 969	15 205	17 220	34 384	39 871
African	345	13	54	20	39	35	94	90
European	5 992	68	1 058	404	536	722	1 279	1 925
North American	1 303	5	77	55	113	125	21	707
South American	93	3	10	4	7	8	22	39
Oceanian	304	6	19	12	12	25	92	130
Total	184 732	3 361	38 323	15 058	18 179	21 595	40 416	47 800

According to the 1997 estimates, the population of Bahrain had increased to 620,378 persons, of whom 362,447 were male (58.4 per cent) and 257,931 female (41.6 per cent).

In the same year, the non-Bahraini population was estimated at 240,423 persons (38.8 per cent of the total population), of whom 170,353 were male (70.9 per cent) and 70,070 female (29.1 per cent).

In 1997, the population density was estimated at 878.7 persons per km^2.

2.2 Age structure of the population

The statistical indicators for 1997 show the following figures:*

Age group	Bahraini		Non-Bahraini		Total			
Sex	Male	Female	Male	Female	Male	Female	Total	%
0-19	98 852	94 436	22 272	20 768	121 124	115 204	236 328	38
20-44	68 242	67 961	130 591	44 890	198 833	112 851	311 684	50
45-59	14 372	15 683	15 882	3 704	30 254	19 387	49 641	8
60+	10 626	9 781	1 609	709	12 230	10 490	22 725	4
Total	192 093	187 862	170 353	70 070	362 447	257 931	620 378	100

* Due to the approximation, some of the totals are not consistent with the individual figures.

2.3 The urban/rural ratio is high in all areas of Bahrain in view of the expansion and development of the new towns. The urban proportion of the population amounted to 88.4 per cent in 1991, as compared with 80.7 per cent in 1981. The proportion of housing units connected to public utilities (water, electricity and public sewage) amounted to 99.7 per cent in 1991.

In 1996, the overall reproduction rate was 1.4 per woman.

The infant mortality rate among Bahrainis amounted to 21.2 per 1,000 births in 1991 (19.6 for males and 22.8 for females). This rate subsequently declined to 19.4 in 1995, 9.5 in 1996 and 8.68 per 1,000 births in 1997.

During the period from 1991 to 1996, life expectancy at birth stood at 67.83 for males and 70.69 for females among Bahrainis and 68.73 for males and 72.36 for females among non-Bahrainis for the period from 1991 to 1996.

The physician/population ratio amounted to 895 persons per physician in 1996, as compared with 2,679 in 1969 and 3,921 in 1960.

3. The economic situation

3.1 Bahrain has adopted financial and economic policies based on the principle of a free economy and market mechanisms. The State is endeavouring to diversify its sources of income, to create an appropriate investment environment that will attract further local, Arab and foreign investments, and to develop the legislation and procedures relating to those activities. These policies have been highly successful insofar as GDP at current prices rose from 1,289.4 million Bahraini dinars in 1987 to 2,387.4 million dinars in 1997. Hence, the economic growth rate amounted to 6.4 per cent per year at current prices and 5.5 per cent at fixed prices during the period from 1988 to 1997 and the per capita share of GNP rose from 2,351.9 dinars in 1987 to 3,040.7 dinars in 1997. Bahrain has also succeeded in ensuring a decent life for its citizens by improving their overall living conditions through the provision of all the principal utilities and social services. The per capita share of government expenditure rose from 994.4 dinars in 1987 to 1,134.1 dinars in 1997. Expenditure on educational services per student rose from 113.6 dinars in 1987 to 131.7 dinars in 1997 and the per capita share of government expenditure on health services rose from 69 dinars in 1987 to 89.9 dinars in 1997. The policy of diversifying the sources of income likewise succeeded in reducing the petroleum sector's contribution to GDP from 32 per cent in 1975 to 18.5 per cent in 1997. The economic growth that Bahrain has achieved as a result of its economic policies undoubtedly heralds a promising future for the Bahraini economy, as attested by the international economic institutions concerned.

International reports indicate that the State of Bahrain has maintained a public budgetary deficit of less than 3 per cent and actually achieved a budgetary surplus in 1996 and 1997. In addition, the State of Bahrain was one of the three States that achieved the lowest rate of inflation, amounting to -0.2 per cent in 1996, 1.7 per cent in 1997 and -0.4 per cent in 1998.

3.2 Development of GDP and GNP at current prices and per capita share thereof

	1993	1994	1995	1996	1997
GDP in millions*	1 955.4	2 092.8	2 199.4	2 294.3	2 387.4
GNP in millions	1 715.8	1 777.9	1 974.8	2 034.6	2 037.6
Per capita share in dinars	2 963.2	2 966.9	3 171.8	3 126.9	3 040.7

* Based on the United Nations System of National Accounts (SNA 1993).

It is noteworthy that Bahrain took third place after Hong Kong and Singapore in the American Heritage Foundation's Index of Economic Freedom, which is based on a number of criteria including, in particular, financial, monetary and trade policies, government consumption of production, capital flows, foreign investments and intellectual property rights.

According to a report published by the United Nations Development Programme (the Human Development Report for 1998), for the fourth consecutive year Bahrain ranked first among the Arab States and forty-third among 174 States on the basis of the criterion of human development.

3.3 Some challenges

The State's programmes and policies designed to expand and diversify the sources of GDP have been highly successful and socio-economic development has benefited from the early endeavours in fields of human development. The State is trying to increase the savings rates for investment and economic and commercial activity in general in order to enable the Bahraini economy to achieve satisfactory growth rates. The State is also endeavouring to develop its national human capacities, create more employment opportunities and maintain the high indicators that Bahrain has achieved in the field of human development.

4. The educational situation

4.1 In accordance with article 7 of the Constitution, education in Bahrain is compulsory and free of charge at the first stages for both Bahrainis and immigrants and the State has an obligation to transport students to and from school and to provide them with school books and all the requisite educational aids. The State also sponsors the sciences, literature and the arts, encourages scientific research and has assumed responsibility for the provision of educational and cultural services for citizens.

4.2 Bahrain's education policies include strategies and plans of action to develop the education system and overcome the problems and challenges that it is facing. The education policies are based on the two following principles:

(a) Provision of education for all children of school age in all parts of the country;

(b) Ongoing development of the quality of education in order to meet the needs of students and the country's socio-economic development requirements.

4.3 Statistical indicators

A large proportion of the State budget (12 per cent) was earmarked for education in 1997. This accounted for half of the budgetary appropriations for social services. This proportion rises to 13.5 per cent if we add the financial transfers to the University of Bahrain.

The latest statistical indicators show that the Government's endeavours in this field have achieved the following results.

In the academic year 1997/98 there were 188 schools comprising 3,769 classes with an estimated average density of 30 students per class. The total number of students enrolled at the schools in that year amounted to 111,443 males and 56,339 females.

The enrolment rate at the general secondary schools amounted to 85 per cent.

The enrolment rate at the primary schools amounted to 100 per cent.

The State encourages and supervises private education, which is provided at 39 private schools (22 national and 17 foreign) at which 30,059 male and female students are enrolled.

As a result of the intensive endeavours that the Government of Bahrain has made to eradicate illiteracy, the illiteracy rate declined from 52.9 per cent in 1971 to about 12 per cent in 1997.

4.4 University education

Bahrain has two universities: the University of Bahrain and the Arabian Gulf University. Each of these two universities admits Bahraini and non-Bahraini students wishing to complete their university education and talented Bahrainis enjoy university education at the State's expense. It is noteworthy that the fees at the University of Bahrain cover only 20 per cent of the total costs borne by the University.

4.5 Statistical indicators

The following table shows the number of students enrolled at the University of Bahrain by gender in the years 1994/95, 1995/96 and 1996/97:

Academic year	Male	Female	Total
1994/95	2 886	3 756	6 642
1995/96	n/a	n/a	6 921
1996/97	4 361	2 677	7 038

Source: Central Statistical Bureau.

5. Manpower

5.1 In accordance with article 13 of the Constitution, work is an obligation and a right of every citizen and the State undertakes to provide employment opportunities on equitable conditions. Bahrain is a country that needs to import labour in order to implement its investment and development plans.

5.2 According to the statistics of the Ministry of Labour and Social Affairs, the rate of unemployment amounts to 2.6 per cent of the total labour force. The State is endeavouring to overcome the problem of unemployment through numerous measures at the governmental and private levels to create new employment opportunities, to make existing employment opportunities more widely known and to promote vocational training, etc.

5.3 Statistical indicators

The labour force estimates for 1997 are as follows:

Bahraini				
Male	Percentage	Female	Percentage	Total
85 930	81	20 618	19	106 548
Non-Bahraini				
Male	Percentage	Female	Percentage	Total
148 028	84	28 694	16	176 722
Grand total				
233 958	81.6	49 312	17.4	283 270

The following table shows the changes in the proportion of the total labour force and the percentage of Bahrainis in the various economic sectors according to the 1981 and 1991 censuses:

Changes in the proportion of the total labour force and the percentage of Bahrainis in the various economic sectors according to the 1981 and 1991 censuses

Economic activity	1981		1991	
	% of total labour force	% of Bahrainis	% of total labour force	% of Bahrainis
Social and personal services	34.4	39.1	4.6	52.6
Construction	21.1	6.7	12.6	2.8
Commerce, restaurants and hotels	13.4	10.2	14.1	8.9
Transport, communication and storage	9.5	15.1	6.5	10.5
Manufacturing	8.2	6.7	12.6	8.3
Mining and quarrying	3.4	6.3	1.7	3.6
Banking, insurance and finance	3.3	4.9	8.1	7.6
Other sectors	6.7	11.0	-	5.7
Total number	137 892	57 178	212 070	77 268
%	100	100	100	100

Source: Data compiled by the Central Statistical Bureau, 1995.

6. Religion

6.1 Article 2 of the Constitution stipulates that the religion of the State is Islam. Article 22 further stipulates that freedom of conscience is absolute and that the State guarantees the inviolability of places of worship as well as freedom to engage in religious observances and to participate in religious processions and meetings in accordance with the customs observed in the country.

6.2 Statistical indicators

According to the data collected during the 1991 census, the population distribution by religion was as follows:

Population by religion	Percentage
Muslims	81.8
Christians	8.5
Other religions	9.7

B. Provisions of Bahraini law concerning equality and elimination of racial discrimination

The document proclaiming the Bahraini Constitution of 1973 defined the cornerstones of the State's general policy on issues concerning the international and local communities by stipulating that the State aspired to a future based on consultation and justice in which freedom and equality would be guaranteed and fraternity and social solidarity would be consolidated.

With regard to the role that the State of Bahrain should play at the international level in its capacity as a member of the international community, that document also indicated that Bahrain should uphold humanitarian values and make an effective contribution to regional and international endeavours to secure the welfare of mankind as a whole, promote international freedom and justice and safeguard international peace and security.

These basic provisions and principles set forth in that document promulgated in December 1973 were confirmed in the text of the Constitution itself, the following articles of which refer, in particular, to the equality and non-discrimination forming the subject of this report.

Article 4

"Government shall be based on justice, and mutual cooperation and understanding shall constitute firm links between citizens. Liberty, equality, security, tranquillity, education, social solidarity and equal opportunities for citizens shall form pillars of society and shall be guaranteed by the State."

Article 16

"(a) Public office is a national service entrusted to the incumbents. In the discharge of their functions, civil servants shall seek to further the public interest. Foreigners shall be appointed to public office only in the circumstances provided for by law.

(b) Citizens shall have equal access to public office in accordance with the conditions laid down by law."

Article 18

"All persons shall be equal in human dignity and all citizens shall be equal before the law in regard to their public rights and obligations without discrimination among them on grounds of race, origin, language, religion or belief."

Article 29

"Any individual may address the public authorities in writing and under his signature. Only duly constituted organizations and bodies corporate may address the authorities collectively."

Article 31

"The public rights and freedoms provided for in this Constitution shall be regulated or defined only by, or in accordance with, a legislative enactment.

Such regulation or definition shall not detract from the essence of the right or freedom concerned."

It is evident from the above-mentioned provisions that all forms of racial discrimination or segregation are totally prohibited. It is also noteworthy that article 31 of the Constitution prohibits the regulation of rights and freedoms in any manner that would derogate therefrom. This means that no form of discrimination among citizens is permitted by the Constitution.

These provisions imply that equality and non-discrimination are constitutional rules with which all the authorities in the State must comply. Consequently, these principles enjoy the safeguards and prerogatives accorded to constitutional rules.

The safeguards that these constitutional principles enjoy guarantee them a larger degree of protection than other legal rules of lower standing than the Constitution.

None of the national laws or legislation concerning any aspect of public rights and obligations contain any stipulation or provision based on racial discrimination, preference or segregation, all manifestations of which are prohibited.

Detailed reference will be made to some of these laws in part II concerning the substantive provisions of the Convention.

C. The legal status of the International Convention on the Elimination of All Forms of Racial Discrimination under the legal system of the State of Bahrain

With regard to the legal status of the provisions of international treaties and conventions, article 37 of the Constitution stipulates that a treaty shall acquire the force of law after its conclusion, ratification and publication in the Official Gazette, which endows it with the same legal status as any of the country's other laws. Since a convention prohibiting racial discrimination and segregation relates to one of the constitutional principles governing public rights and obligations (art. 18 of the Constitution), it enjoys the protection accorded to constitutional rules, which excludes any possibility of the promulgation of a conflicting provision in view of the stipulation contained in article 31 of the Constitution to the effect that any regulation or definition of the public rights and freedoms provided for in the Constitution must not detract from the essence of the right or freedom concerned.

It should be noted that these conventions are published in the country's Arabic-language Official Gazette, which is distributed among the Government agencies and can be obtained by citizens and residents at a nominal price. The International Convention on the Elimination of All Forms of Racial Discrimination of 1965 was published in the Official Gazette No. 1892 on Wednesday, 28 February 1990, in accordance with Decree No. 8 of 1990. Having thus become part of Bahraini law, the provisions of the Convention can be invoked before the national courts.

D. Remedies and measures to strengthen and protect the rights recognized in the Convention

Legal redress is one of the public rights that the Constitution guarantees to all. The judicial authority, which is one of the State's three authorities, is dealt with in articles 101-103 of the Bahraini Constitution, which stipulate that service in the judiciary is an honour, that its integrity constitutes the basis of government and a safeguard of rights and freedoms, and that judges are subject to no other authority. The law guarantees the independence of judges and provides safeguards for the administration of justice, in which no interference is permitted. The Constitution further stipulates that court hearings should be public and may be held in camera only in the exceptional circumstances specified by law.

Legislative Decree No. 13 of 1971, concerning the organization of the judiciary, provided for the independence of the judiciary and defined the manner of appointment and the immunities of judges. It made provision for three levels of courts: courts of first instance (lower and higher courts and courts of enforcement), higher civil courts of appeal; and the Court of Cassation. The courts are divided into two categories: the civil courts which are competent to hear civil and criminal cases, and the Shariah courts which adjudicate on matters of personal status. The Shariah courts, which are subdivided into Sunni and Jaafari branches, are competent to hear personal status disputes relating to marriage, divorce, inheritance and child custody, etc. Within the framework of respect for religious freedom, which is guaranteed in the Constitution, the courts adjudicate on matters of personal status in accordance with the rules of the Islamic school of law to which the plaintiff belongs. Disputes between Muslims in this regard are heard by the Shariah courts, while disputes between members of other religions are heard by the civil courts.

It should be noted that the Court of Cassation has ruled that the civil courts are competent to hear claims for damages or annulment in respect of administrative decisions.

Since the Convention has become part of the country's law and, as such, is binding on all the authorities, any failure to comply therewith constitutes a breach of the law and entails criminal responsibility on the part of the offender. It also entails liability under the terms of the Civil Code promulgated in 1970 and, in all cases, the person responsible is held liable for any damages to which his fault might give rise.

Any citizen can also lodge a complaint against administrative authorities with their senior officials, including the competent Ministers, and, in accordance with the time-honoured customs and traditions, any Bahraini citizen can submit his complaint in person to His Highness the Amir or His Highness the Prime Minister during the weekly audiences at which they receive citizens and others.

E. The State of Bahrain's endeavours to disseminate, propagate and make known the provisions of the Convention

The Convention was published in the country's Official Gazette in the Arabic language in accordance with the provisions of articles 37 and 106 of the Constitution and thereby acquired the same legal status as any of the country's other laws. As already mentioned, the Official Gazette is distributed among the Government agencies and can be obtained by any person working in the legal field and by any citizen or other person at a nominal price.

In the private sector, the non-governmental associations operating in various fields in Bahrain play an important role, within their respective fields of activity, in promoting greater public awareness of the provisions of international human rights instruments, including the Convention forming the subject of the present report, by disseminating them among their members in such a way as to make it easy for their members to familiarize themselves with the provisions and principles contained in those instruments, thereby making them more aware of their rights and obligations arising therefrom.

The various branches of the audio-visual information media are committed to the dissemination and consolidation of the humanitarian values on which the State of Bahrain is based, particularly the rejection of racial segregation, the encouragement of fraternity and cooperation among all sections of society and the promotion of social solidarity in order to achieve the prosperous society to which the State of Bahrain is aspiring.

Article 41 of the Press and Publication Act No. 14 of 1979 prohibits the publication of anything likely to incite intercommunal hatred or contempt if such incitement might disrupt public order or propagate a spirit of social discord. It also prohibits the publication of anything that would be incompatible with public morality or prejudicial to personal dignity or privacy or would encourage non-compliance with the law.

This provision places bodies, institutions and individuals working in the field of publication under an obligation to refrain from any infringement of the fundamental rules concerning social equality, non-discrimination and the inviolability of personal dignity and privacy, thereby explicitly giving effect to the provisions of article 2 of the Convention.

In the education sector, all educational institutions, systems and programmes comply with the constitutional provisions that guarantee the right to equality, prohibit discrimination and encourage a spirit of cooperation and good relations in order to establish an appropriate social structure for the ongoing development plans that the State of Bahrain is pursuing.

At the international level, from the time when the State of Bahrain achieved its independence and became a member of the United Nations in 1971, the Government has consistently supported and endorsed all the United Nations resolutions concerning the need to combat policies and practices of racial discrimination and apartheid. In its statements delivered at the opening sessions of the General Assembly of the United Nations and other international forums, the State of Bahrain always advocates measures to combat racial discrimination and apartheid.

It is noteworthy that, when it became a member of the United Nations in 1971, the State of Bahrain undertook to comply with all the provisions of the Charter of the United Nations, including Article 1 concerning the need to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, to take other appropriate measures to strengthen universal peace, and to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all.

Like other members of the international community, the State of Bahrain participates in the celebration of the International Day for the Elimination of Racial Discrimination on 21 March every year, together with the Week of Solidarity with the Peoples Struggling against Racism and Racial Discrimination, which also coincides with 21 March. This participation, which stems from our firm belief in that noble objective, is in keeping with Bahrain's international policy of rejecting and combating racial segregation and promoting cooperation based on equality and justice at all levels.

In this connection, it should be noted that the State of Bahrain has acceded to the following human rights instruments:

1. The Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, to which Bahrain acceded under the terms of Decree No. 4 of 1990.

2. The Slavery Convention of 25 September 1926, as amended by the Protocol drawn up in 1953, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, to which Bahrain acceded under the terms of Decree No. 7 of 1990.

3. The International Convention on the Elimination of All Forms of Racial Discrimination of 1965, to which Bahrain acceded under the terms of Decree No. 8 of 1990.

4. The International Convention on the Suppression and Punishment of the Crime of Apartheid of 1973, to which Bahrain acceded under the terms of Decree No. 8 of 1990.

5. The Convention on the Rights of the Child, adopted by the General Assembly of the United Nations in November 1989, to which Bahrain acceded under the terms of Decree No. 16 of 1991.

6. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1984, to which Bahrain acceded under the terms of Decree No. 4 of 1998.

Specialized committees are currently studying the question of accession by the State of Bahrain to a number of human rights instruments.

PART II

Comments on the substantive provisions of the Convention

Article 2

Article 2 stipulates as follows:

"1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved."

Article 2, paragraph 1 (a) and (b): Bahrain's accession to the Convention forming the subject of the present report constituted an undertaking by the State to comply with its provisions. Moreover, on completion of the constitutional procedures for accession thereto, the provisions of this Convention became part of the country's law and, consequently, are binding

on all the authorities in the State. This provides a fundamental guarantee of effective compliance with the provisions of the Convention insofar as they have become binding rules in the Bahraini legal system.

Article 41 of the Press and Publication Act No. 14 of 1979, to which reference has already been made, prohibits the publication of anything likely to incite intercommunal hatred or contempt if such incitement might disrupt public order or propagate a spirit of social discord. It also prohibits the publication of anything that would be incompatible with public morality or prejudicial to personal dignity or privacy or would encourage non-compliance with the law.

This provision places bodies, institutions and individuals working in the field of publication under an obligation to respect the principle of equality on which the social order is based, to condemn any discrimination or segregation and to refrain from any violation of personal dignity or privacy, thereby explicitly giving effect to the provisions of article 2 of the Convention.

Article 2, paragraph 1 (c): The State of Bahrain's accession to the Convention was in keeping with the provisions of the articles of the Constitution referred to in section B of Part I. All the laws and legislation in force, including those promulgated before the proclamation of the Constitution, respect the principle of equality and non-discrimination, which is based primarily on the fundamental provisions of the Islamic Shariah. Hence, none of the laws discriminate among citizens on any grounds whatsoever. It is sufficient to refer to verse 70 of the chapter of the Holy Koran entitled "The Night Journey": "We have honoured the children of Adam, carrying them by land and sea, providing them with good things and exalting them above many of Our creatures."

Article 2, paragraph 1 (d) and (e): The Bahraini people are endowed with fundamental characteristics that have been shaped by their heritage and their longstanding contacts and dealings with other peoples by virtue of Bahrain's status as a hub of international trade between the East and the West. These characteristics, namely tolerance, cohesion and fraternity, have taken root in the daily lives of all sections and communities of the Bahraini people and have been further consolidated by the relatively small size of the population, as well as its cohesion and close mutual relations.

Accordingly, by virtue of these characteristics, all members of the Bahraini people are, by their very nature, averse to any form of discrimination or segregation and, therefore, in their daily lives are not confronted with any such acts that would necessitate any form of intervention by the authorities to deal with any violations of the provisions of this Convention.

Article 2, paragraph 2: All Bahrainis enjoy their full rights as citizens in accordance with the fundamental principle of equality before the law in regard to their public rights, freedoms and obligations. In matters relating to personal status, Bahrain permits the application of the plaintiff's religious laws in disputes that so require. Within the context of religious freedom, it also permits the practice of religious observances and customs provided that the rules governing public order and morality are respected.

Article 3

Article 3 stipulates as follows:

"States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction."

In accordance with its policy, the State of Bahrain refuses to have dealings with States that have adopted the principle of racial discrimination, segregation and apartheid. It also condemns these practices at the international level and, within the framework of its declared political positions since it joined the international community in 1971, has rejected and deplored all forms of racial discrimination.

Article 4

Article 4 stipulates as follows:

"States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination."

Article 4 (a). Article 172 of the Bahraini Penal Code stipulates that it is a punishable offence for anyone to publicly incite, in any manner whatsoever, hatred or contempt for a group of persons if such incitement is likely to disrupt public peace.

Acts of racial discrimination and racial segregation undermine the principle of equality on which the social order is based in the State. In actual practice, as already indicated, by virtue of its deep-rooted customs and traditions concerning the manner in which other peoples of

various origins should be treated, such criminal acts are unknown in the daily life of Bahraini society and, consequently, no complaints in this regard are submitted to the courts or other bodies responsible for the redress of grievances. In this connection, it should be noted that, since Bahrain is committed to the implementation of this Convention as part of its domestic legislation, a number of specialized national committees are currently studying the question of the inclusion in the Penal Code of extensive details of the acts referred to in the Convention as required by the provisions thereof.

Article 4 (b). In accordance with the provisions of the Constitution and the relevant laws, any organization that engages in activities involving racial discrimination or any form of incitement thereof is deemed to be illegal and is subject to the statutory penalties, as already mentioned.

Private associations are regulated by Act No. 21 of 1989, article 3 of which declares illegal any association which seeks to disrupt the social order or violate public order or morality in the State. Hence, it is illegal to establish any association the aims or purposes of which are prejudicial to the principle of equality and non-discrimination on which Bahraini society is based.

Article 4 (c). The public authorities in the State have an obligation to respect the provisions of the Constitution and the laws, which prohibit racial discrimination or incitement thereof, and any such acts that might be committed would entail the civil and criminal liability mentioned in Part I, section D, of this report.

In this connection, reference should also be made to the comments on article 2, paragraph 1, of the Convention concerning restrictions on publication.

Article 5

Article 5 stipulates as follows:

"In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks."

Article 5 (a): The right to equal treatment before the tribunals and all other organs administering justice:

Article 20, paragraph (f), of the Constitution of the State of Bahrain stipulates that "the right to seek legal redress shall be guaranteed by law".

Article 101 of the Constitution further stipulates as follows:

"The honour of the judiciary and the integrity and impartiality of judges constitute the basis of government and a guarantee of rights and freedoms.

In their administration of justice, judges shall be subject to no other authority and no interference in the course of justice shall be permitted under any circumstances. The law shall guarantee the independence of the judiciary and shall define the immunities of judges and the regulations by which they are governed.

The law shall regulate public prosecution, the legal functions of religious dignitaries empowered to issue fatwas (rulings on points of Islamic law), the promulgation of legislation, the representation of the State before the judiciary and the persons discharging these tasks.

The law shall also regulate the legal profession."

According to article 18: "All persons shall be equal in human dignity and all citizens shall be equal before the law in regard to their public rights and obligations without discrimination among them on grounds of race, origin, language, religion or belief."

According to article 4: "Government shall be based on justice, and mutual cooperation and understanding shall constitute firm links between citizens. Liberty, equality, tranquillity, education, social solidarity and equal opportunities for citizens shall form pillars of society and shall be guaranteed by the State."

In conformity with these constitutional principles, none of Bahrain's legislation makes provision for any form of discrimination or segregation. This applies to all citizens within the framework of their legally stipulated judicial protection. Moreover, the right to seek legal redress is one of the basic rights enjoyed by all Bahrainis and other persons and, therefore, any citizen or foreigner can apply to the judiciary to uphold all his rights. In this connection, it should be noted that the Court of Cassation has ruled that the civil courts are competent to hear proceedings brought for the annulment of illegal administrative decisions or damages in respect thereof. The codes of procedure applied by the civil, criminal and Shariah courts contain no provision that discriminates between citizens under their jurisdiction.

Article 5 (b). The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution

Article 19 of the Constitution stipulates as follows:

"Personal liberty shall be guaranteed by law.

No one shall be arrested, detained, imprisoned, searched, compelled to reside in a specified place or restricted in his liberty of residence or movement except as provided by law and under the supervision of the judiciary.

No one shall be detained or imprisoned in places other than those designated for that purpose in the prison laws, in which health and social care shall be available and which shall be subject to the supervision of the judicial authority.

No one shall be subjected to physical or mental torture, enticement or degrading treatment, for which the law shall prescribe penalties. Any statement or confession found to have been obtained through torture, enticement or such treatment, or threat thereof, shall be deemed null and void."

Article 20 of the Constitution further stipulates that:

"There shall be no crime or punishment except as defined by law and penalties shall be imposed only in respect of acts committed after the entry into force of the law pertaining thereto.

Punishment shall be personal.

An accused person shall be presumed innocent until proved guilty according to law in a legal trial at which he enjoys the requisite guarantees for the exercise of his right of defence at all stages of the investigation and hearing.

It is prohibited to inflict physical or mental harm on an accused person.

Every person accused of a felony shall have a lawyer to defend him with his consent.

The right to seek legal redress shall be guaranteed by law."

According to article 25 of the Constitution:

"Homes shall be inviolable and shall not be entered or searched without the permission of their occupants except in cases of extreme necessity and in the manner provided for by law."

According to article 26 of the Constitution:

> "Freedom of postal, telegraphic and telephone communications shall be safeguarded and their confidentiality shall be guaranteed. Communications shall not be censored nor shall their confidentiality be violated except in cases of necessity provided for by law and in accordance with the procedures and guarantees specified therein."

The Penal Code of the State of Bahrain, promulgated in Legislative Decree No. 15 of 1976, as amended, regulates criminal responsibility. The Code covers all aspects of the general rules concerning criminal responsibility, types of penalties and acts designated as punishable offences. The Code guarantees security of person, property and honour and prescribes penalties for any form of harm, that might be inflicted by officials or others. The Code also prescribes penalties for the commission or incitement, alone or in association with others, of any of those punishable acts. Homicide, assault and battery, torture and the use or threat of violence are among the offences punishable under the Code (arts. 333-343 of the Penal Code of 1976).

The acts that the Bahraini Penal Code designates as punishable offences in order to protect persons from any physical or mental harm inflicted by government officials or by any individual, group or institution include the offences specified in chapter II, section 4, of the Penal Code, namely: searches of persons and their homes in circumstances other than those provided for by law; torture; infliction of a penalty heavier than the one prescribed, or a penalty that has not been legally imposed; imprisonment without an order from the competent authority; suspension of, or failure to execute, court judgements; and the destruction of communications. They also include the offences involving violations of liberty to which reference is made in chapter VIII, section 3, of the Penal Code, namely: unlawful arrest or detention and illegal entry into homes, as well as the offences of eavesdropping and breach of confidentiality to which reference is made in articles 371 and 372 of the Penal Code.

In this connection, it should be noted that the Bahraini Penal Code regards abuse of official authority as an aggravating circumstance in common-law offences committed by a public official. Accordingly, a public official is liable to heavy penalties if he takes advantage of his official authority in order to cause harm to citizens or others.

The Code of Criminal Procedure promulgated in 1966, as amended, provides all the requisite safeguards concerning the persons empowered to make arrests and carry out searches, the circumstances in which they may do so, and the authorities competent to issue detention orders and to have them extended by means of court orders subject to mandatory weekly appearances before the judiciary. The Code obliges the court to investigate indictments. It also permits the lodging of objections to judgements handed down in absentia by courts of first instance and courts of appeal.

The prisons are governed by the Prisons Act of 1964, which makes provision for the welfare and all the recognized rights of prisoners, their classification in accordance with the penalty inflicted, and the segregation of female and young prisoners. Under the terms of the Act, prison wardens have an obligation to submit prisoners' complaints to the Office of the Attorney-General for consideration.

It should be noted that arrests which are made without a warrant or in circumstances other than flagrante delicto, as well as searches of private homes without judicial authorization and detention in places other than those designated for that purpose or without a court order, constitute offences under the provisions of article 207 of the Penal Code of 1976, which prescribes a penalty of imprisonment for any official or public servant who knowingly searches a person, his home or his premises without his consent, in circumstances other than those provided for by law or without observing the conditions stipulated therein.

Article 5 (c). Political rights

Article 1 of the Constitution of the State of Bahrain stipulates, inter alia, that the system of government in Bahrain shall be democratic, sovereignty being exercised by the people.

The State of Bahrain follows the Islamic practice of consultation and, to that end, has established a Consultative Council consisting of 40 members appointed by His Highness the Amir from among persons of recognized competence and good counsel who represent all types and fields of expertise in the country. Each member enjoys parliamentary immunity throughout his term in office and is completely free to express his opinion on matters that are raised or discussed in the Council.

The right to participate in elections in private associations and workers' committees, in accordance with their statutes, is recognized by law.

Article 16 (b) of the Constitution stipulates that citizens shall have equal access to public office in accordance with the legally specified conditions.

Article 5 (d) (i). The right to freedom of movement and residence within the border of the State.

Article 19 of the Constitution stipulates as follows:

"Personal liberty shall be guaranteed by law.

No one shall be arrested, detained, imprisoned, searched, compelled to reside in a specified place or restricted in his liberty of residence or movement except as provided by law and under the supervision of the judiciary.

No one shall be detained or imprisoned in places other than those designated for that purpose in the prison laws, in which health and social care shall be available and which shall be subject to the supervision of the judicial authority.

No one shall be subjected to physical or mental torture, enticement or degrading treatment, for which the law shall prescribe penalties. Any statement or confession found to have been obtained through torture, enticement or such treatment, or threat thereof, shall be deemed null and void."

The rules laid down in the Code of Criminal Procedure specify the circumstances in which arrests may be made, as well as the persons empowered to make them and the places in which persons may be detained, which are regulated by the Prisons Act. Unlawful arrest, torture and detention in places other than those designated for that purpose are declared punishable offences in articles 357-363 of the Penal Code of 1976.

Article 5 (d) (ii). The right to leave any country, including one's own, and to return to one's country.

The Code of Civil and Commercial Procedure promulgated in Act No. 12 of 1971 regulates the prohibition of travel, which the judiciary is empowered to order in the circumstances specified in the Code. The Code also specifies the circumstances in which an appeal against such orders can be lodged with the judiciary. In accordance with the Constitution, no citizen can be prevented from returning to his country.

Article 5 (d) (iii). The right to nationality:

Article 17 of the Constitution stipulates as follows:

> "Nationality shall be defined by law. No person holding nationality by descent shall forfeit it except in cases of high treason or dual nationality and in accordance with the conditions specified by law. Nationality shall not be withdrawn from a naturalized citizen except as provided by law."

The Bahraini Nationality Act of 1963, as amended, regulates the conditions under which nationality may be acquired and the circumstances in which it may be forfeited.

Article 5 (d) (iv). The right to marriage and choice of spouse.

Article 5 (a) of the Constitution stipulates as follows:

> "The family, which derives its strength from religion, morality and patriotism, is the cornerstone of society. The law shall protect its legal structure, strengthen its bonds and values and protect mothers and children within its bosom. The law shall also provide for the welfare of the rising generation, protect them from exploitation and shield them from moral, physical and spiritual neglect. The State shall show particular concern for the physical, moral and intellectual development of young persons."

Marriage, being a matter of personal status, is regulated by law in conformity with the schools of Islamic law to which the parties concerned belong. In the case of other religions, matters relating to marriage are subject to the rules of each religion, in accordance with the constitutionally recognized principle of religious freedom.

Article 5 (d) (v). The right to own property alone as well as in association with others:

Article 9 of the Constitution stipulates as follows:

"Property, capital and labour, in accordance with the Islamic principles of justice, shall be fundamental constituents of the social structure and national wealth of the State They are all individual rights with a social function regulated by law

Public property shall be inviolable and every citizen shall have an obligation to protect it

Private property shall be safeguarded No one shall be prevented from disposing of his property unless otherwise provided by law and no property shall be expropriated except in the public interest, in the circumstances and the manner specified by law, and subject to payment of fair compensation therefor

Confiscation of a person's property in its entirety shall be prohibited and confiscation of part of a person's property, as a penalty, shall be permitted only under the terms of a court judgement and in the legally specified circumstances

The law shall regulate, on the basis of economic principles and with due regard for social justice, the relationship between the owners and tenants of land and real estate

The State shall endeavour to provide housing for citizens with a limited income"

The right to own property is a recognized basic right that is protected by criminal law, in which any act constituting encroachment thereon is designated as a punishable offence, and by civil law, which regulates the transfer of property and capital Private property is safeguarded and may be confiscated only under the terms of a court judgement in circumstances in which confiscation constitutes a legally prescribed penalty

Article 5 (d) (vi) The right to inherit

Article 5 (c) of the Constitution stipulates as follows

"Inheritance shall be a recognized right governed by the Islamic Shariah"

The right to inherit is a matter of personal status which, by law, is governed by the religions of the parties and, in the State of Bahrain, is regulated by the courts of personal status

Article 5 (d) (vii) The right to freedom of thought, conscience and religion

Article 22 of the Constitution stipulates that

"Freedom of conscience shall be absolute and the State shall guarantee the inviolability of places of worship as well as freedom to engage in religious observances and to participate in religious processions and meetings in accordance with the customs observed in the country"

By virtue of their social composition, the Bahraini people believe in tolerance as a basis for social development and the adherents of all religions enjoy freedom to engage in their religious observances under the protection of the law.

The law designates the following acts as punishable offences: attacks on recognized religious confessions, disparagement of their observances, deliberate disruption of observances or destruction or desecration of religious buildings, insulting religious symbols, mimicking religious celebrations with a view to ridiculing them, and printing distorted versions of religious books (arts. 309, 310 and 311 of the Penal Code).

The 1991 census data contained in section A, paragraph 6.2, show the population distribution by religion.

Article 5 (d) (viii). The right to freedom of opinion and expression.

Article 23 of the Constitution stipulates that:

> "Freedom of opinion and of scientific research shall be guaranteed. Everyone shall have the right to express and propagate his opinion, orally, in writing or by any other means, in accordance with the legally specified conditions and procedures."

The Press and Publications Act No. 14 of 1979 regulates the restrictions that can be imposed on publication in a manner consistent with the obligations specified in the provisions of the Convention, since article 41 of the Act prohibits the publication of anything likely to incite intercommunal hatred or contempt if such incitement might disrupt public order or propagate a spirit of social discord. It also prohibits the publication of anything that would be incompatible with public morality or prejudicial to personal dignity or privacy or would encourage non-compliance with the law.

This provision places bodies, institutions and individuals working in the field of publication under an obligation to refrain from any infringement of the fundamental rights concerning social equality, non-discrimination and the inviolability of personal dignity and privacy.

Article 5 (d) (ix). The right to freedom of peaceful assembly and association.

Article 27 of the Constitution stipulates as follows:

> "Freedom to form associations and trade unions, on a national basis, for lawful purposes and by peaceful means, shall be guaranteed in accordance with the legally specified conditions and procedures. No one shall be compelled to join or remain in any association or trade union."

Under the terms of article 28 of the Constitution:

"(a) Individuals shall have the right to assemble without the need for prior notification or permission and no member of the security forces shall be permitted to attend such private meetings.

"(b) Public meetings, processions and gatherings shall be permitted in accordance with the legally specified conditions and procedures, provided that their purposes and means are peaceful and consistent with morality."

The Social and Cultural Associations and Clubs, Private Institutions and Sports Organizations Act promulgated in Legislative Decree No. 21 of 1989 regulates the right to establish associations and clubs for purposes of social, educational, cultural or charitable activities. It also permits the registration of such associations with the legally specified authorities. The Act prohibits the establishment of associations for purposes which would violate public order or morality or prejudice the integrity of the State or the social order. Associations established for such purposes are unlawful.

The Act regulates membership of associations, as well as the bodies that elect their governing bodies. It also makes provision for the establishment of sports clubs and federations, including the Olympic Committee, and stipulates that their governing bodies must be elected.

Cooperative associations, which are regulated by Act No. 8 of 1972, are subject to the same basic principles, including the requirement that their administrative organs must be elected.

Bahrain has 189 registered associations operating in various fields. These include:

Women's associations.

Social associations.

Charitable associations.

Islamic associations.

Occupational associations.

Gulf assocations.

Foreign associations.

Foreign clubs.

Cooperative associations.

Charitable funds.

There are also eight cultural and scientific associations registered with the Ministry of Information.

The above-mentioned assocations pursuing a wide variety of aims and activities serve Bahraini society as well as the foreign communities of various nationalities.

Article 5 (e) (i). The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration.

Article 13 of the Constitution stipulates as follows:

"Every citizen shall have an obligation to work, which is necessitated by personal dignity and the public interest. Every citizen shall have the right to work and to choose the type of his work in a manner consistent with public order and morality.

The State shall ensure that work is available to citizens on equitable terms.

No one shall be subjected to forced labour except in the circumstances provided for by law in the event of a national emergency, subject to fair remuneration, or in accordance with a court order.

Relations between employers and employees shall be regulated by law in accordance with economic principles and with due regard for the rules of social justice."

Article 16 of the Constitution further stipulates as follows:

"Public office is a national service entrusted to the incumbents. In the discharge of their functions, civil servants shall seek to further the public interest. Foreigners shall be appointed to public office only in the circumstances provided for by law.

Citizens shall have equal access to public office in accordance with the conditions laid down by law."

The right to work is regulated by Legislative Decree No. 23 of 1976, as amended, the provisions of which apply to all types of employment relations.

The Act prohibits the employment of children under 14 years of age and contains special provisions that regulate the employment of persons in the 14-16 age group, as well as women and disabled persons, in such a way as to safeguard their rights. The owners of enterprises employing more than 50 workers have an obligation to provide full health care for their employees.

The Act stipulates that a worker has the right to submit a complaint to the Ministry of Labour, which must endeavour to settle the dispute between the parties in an amicable manner, failing which the complaint must be referred to the courts for adjudication. The Act also lays down rules concerning conciliation, arbitration and collective labour disputes.

The Act, which applies to all labour relations, does not differentiate between the categories subject to its provisions in regard to their rights and obligations.

Statistical indicators

The State of Bahrain is an importer of foreign labour. According to the 1997 labour force estimates, the total estimated labour force of 283,269 persons included 176,721 non-Bahraini workers, of whom 28,694 were female. The female proportion of the labour force amounted to 19 per cent in the case of Bahrainis and 16 per cent in the case of non-Bahrainis, i.e. an average of 17 per cent for the labour force as a whole.

In this connection, it should be noted that foreigners working in Bahrain enjoy the same services and insurance benefits as citizens.

Bahrain and regional and international labour conventions

In this connection, it should be noted that the State of Bahrain has acceded to the following international labour conventions:

1. The Weekly Rest (Industry) Convention No. 14 adopted at Geneva on 25 October 1921.

2. The Forced Labour Convention No. 29 adopted at Geneva on 22 July 1930.

3. The Labour Inspection Convention No. 81 adopted at Geneva on 11 July 1947.

4. The Night Work (Women) Convention No. 89 adopted at San Francisco on 9 July 1948.

5. The Abolition of Forced Labour Convention No. 105 adopted at Geneva on 25 June 1957.

The competent authorities are currently examining the question of accession to other labour conventions, particularly the Vocational Rehabilitation and Employment (Disabled Persons) Convention No. 159 of 1983.

The State of Bahrain has ratified the following Arab labour conventions:

1. The Working Environment Convention No. 13.

2. The Wage Setting and Protection Convention No. 15.

3. The Occupational Safety and Health Convention No. 7.

4. The Rehabilitation and Employment (Disabled Persons) Convention No. 17.

5. The Employment of Young Persons Convention No. 18.

The question of accession to further conventions in this field is currently being studied.

Article 5 (e) (ii): The right to form and join trade unions:

Article 27 of the Constitution stipulates as follows:

> "Freedom to form associations and trade unions, on a national basis, for lawful purposes and by peaceful means, shall be guaranteed in accordance with the legally specified conditions and procedures. No one shall be compelled to join or remain in any association or trade union."

In the State of Bahrain, trade union activities take place within the framework of the General Committee of Bahraini Workers, which is regulated by the Labour Act. This Committee consists of 11 members elected by direct secret ballot from among workers' representatives who, in turn, are elected by the joint committees in enterprises. The workers' representatives elected by secret ballot constitute the basis of trade-union activity. The joint committees consist of eight members: four representing the workers and four representing management. The General Committee is elected from among the members of the joint committees, who are elected by the workers.

The function of the General Committee is to raise the productivity of workers, promote their welfare and improve their economic and social situation. The Committee also represents Bahrain at international, Arab and Gulf conferences and organizations, on the Higher Council for Vocational Training and on the tripartite committees in which the Government, employers and workers are represented in accordance with the Private Sector Labour Act and the Social Insurance Act.

Article 5 (e) (iii): The right to housing:

Article 9 (f) of the Constitution stipulates that: "The State shall endeavour to provide housing for citizens with a limited income".

The State guarantees its citizens' right to housing by providing housing units and land in accordance with its citizens' wishes and financing their acquisition through loans which are repaid by deduction of one quarter of their salary. All citizens enjoy this right. The amount of the instalments may be reduced or the term of the loan may be extended in cases of hardship or in consideration of the special circumstances of individuals and exemptions from the instalments for specific years are sometimes granted on the occasion of national celebrations.

Statistical indicators

According to the statistical data for the period 1975-1997:

1. The number of housing units constructed and distributed amounted to 18,075 (15,803 houses and 2,254 apartments).

2. The number of plots of residential land laid out, connected to utilities and distributed amounted to 10,772.

3. The number of loans distributed for construction, purchase and renovation purposes amounted to 12,978.

(In other words, a total of 41,807 Bahraini families benefited from these housing services.)

During the period from 1976 to 1997, the budgetary appropriations for housing amounted to 675 million dinars, i.e. US$ 1,795,500.

Article 5 (e) (iv). The right to public health, medical care, social security and social services.

Article 8 of the Constitution stipulates as follows:

"Every citizen has the right to health care. The State shall show concern for public health and shall ensure the availability of means of prevention and treatment by establishing various types of hospitals and health facilities.

Individuals and bodies may establish hospitals, clinics or treatment centres under the supervision of the State and in conformity with the law."

Article 5 (b) of the Constitution further stipulates that:

"The State shall ensure that the requisite social security is available to citizens in the event of old age, sickness, inability to work, orphanhood, widowhood or unemployment. It shall provide them with social insurance and health care services and shall endeavour to protect them from the scourge of ignorance, fear and poverty."

Under article 12 of the Constitution:

"The State shall ensure social solidarity in the assumption of the burdens resulting from general disasters and ordeals and shall compensate persons who have suffered damage or injury due to war or the discharge of their military duties."

The State provides free health services for citizens and foreigners alike and these services are accorded priority in the Government's budget so that they can be made available to everyone residing in the State of Bahrain.

With regard to social insurance, the provisions of Act No. 24 of 1976, which apply to all without discrimination on grounds of race, nationality or occupation, cover insurance against old age, disability, death and industrial accidents and are applicable to enterprises employing more than 10 workers. The Government is endeavouring to extend the insurance umbrella to cover all individual contracts. The same benefits are enjoyed by persons working in the liberal professions.

Within the context of its ongoing endeavours to apply the principles of social solidarity, the State of Bahrain promulgated the Social Assistance Regulations to cover all the categories of

private citizens who are not covered by insurance schemes or whose insurance benefits are insufficient to meet their essential needs. These categories consist of widowed, divorced and abandoned women, the families of prisoners, orphans and persons of equivalent status, disabled and mentally retarded persons, the sick and the aged.

The assistance granted ranges from a minimum of 21 dinars to a maximum of 48 dinars per month. The total value of the social assistance paid in 1998 amounted to 3,705,158 dinars, from which 10,186 families, consisting of 31,012 individuals, benefited.

Article 5 (e) (v) and (vi): The right to education and training and the right to equal participation in cultural activities.

Detailed reference to these aspects will be made in the comments concerning article 7.

Article 5 (f): The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

Article 18 of the Constitution stipulates as follows:

> "All persons shall be equal in human dignity and all citizens shall be equal before the law in regard to their public rights and obligations without discrimination among them on grounds of race, origin, language, religion or belief."

As already indicated, Bahrain has a society characterized by tolerance and fraternity in which all Bahrainis and others enjoy all the services and facilities. It is free from any practices or modes of conduct that would be conducive to discrimination or segregation.

Article 6

Article 6 stipulates as follows:

> "States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination."

In accordance with the provisions of article 20 (f) of the Constitution, in Bahrain everyone has a guaranteed right to apply to the courts for legal redress.

The judicial authority in Bahrain, which is independent in accordance with the provisions of articles 101-103 of the Constitution, is regulated by Decree No. 13 of 1971 which makes provision for its independence, its levels of jurisdiction and the right of appeal. Bahrain has also promulgated a Code of Civil Procedure and a Code of Criminal Procedure. Under the provisions

of both these Codes, all Bahrainis and foreigners have the right to apply to the courts for legal redress. They make no provision for discrimination in regard to treatment or procedure between Bahrainis and persons of other nationalities.

The highest organ of the judicial authority is the Court of Cassation, followed by the two levels of courts (courts of appeal and courts of first instance) which are competent to adjudicate in civil and criminal cases and matters of personal status.

In accordance with the above, any Bahraini citizen has the right to apply to the judicial authority in order to uphold his rights before the criminal courts, if the act forming the subject of his complaint is of a punishable nature, or before the civil courts if he is seeking compensation in respect of acts that constitute civil offences. Any violation of the provisions of the Convention would therefore constitute an offence under the terms of the Penal Code or the Civil Code and the aggrieved party would be entitled to apply to the court competent to hear cases of the type in which he is seeking to uphold his rights.

Under the provisions of Bahraini law, compensation can be claimed in respect of pain and suffering as well as material damage.

In this connection, it should be noted that the State of Bahrain is reviewing its civil legislation, as well as some other legislation, with a view to updating their provisions in a manner consistent with recent developments and changes in Bahraini society.

Article 7

Article 7 stipulates as follows:

> "States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention."

Teaching and education

Every Bahraini citizen has a right to education in accordance with article 7 of the Constitution, which stipulates the education shall be compulsory at the first stages and that the State shall have an obligation to ensure the availability of educational services.

Pre-university education is divided into three levels: primary, preparatory and secondary. The primary and preparatory levels, which are known as the stage of basic education, are compulsory while the secondary level is optional and is divided into general secondary and various branches of specialization such as commercial for boys, commercial for girls, industrial for boys and textiles, clothing and printed publicity for girls. There is also parallel religious education at three levels.

The State of Bahrain provides educational services free of charge at these levels for Bahrainis and non-Bahrainis. It also assumes responsibility for the transport of students to and from their schools and for the supply of school books and educational reference material.

The State permits foreign residents belonging to other religions and cultures to establish private schools and educational and cultural centres to teach their cultures. For example, there are American, English, French, Japanese, Indian, Bengali, Pakistani and Philippine schools at which the children of foreigners and citizens alike are permitted to enrol, if their parents or guardians so desire, without any discrimination.

University education, which is optional, is provided by the State free of charge for talented Bahraini students and at appropriate fees for other students wishing to enrol. Major achievements have been made in the field of education in the State of Bahrain where the enrolment rate amounts to 100 per cent at the primary level and 85 per cent at the secondary level.

As a result of the intensive endeavours that the Government of Bahrain has made to eradicate illiteracy, the illiteracy rate declined from 52.9 per cent in 1971 to about 12 per cent in 1996.

A large proportion of the State budget is allocated to education (16.5 per cent in 1996, accounting for half of the budgetary appropriations for social services).

Information and culture

Responsibility for information and culture in the State of Bahrain is assumed by the Ministry for Cabinet Affairs and Information, the basic activities of which include publication, stimulation of awareness concerning the provisions of the Constitution, particularly the condemnation of racial bigotry, and promotion of the tolerance and mutual understanding on which Bahraini society is based.

In this connection, the State of Bahrain is characterized by the fact that all its citizens, regardless of their religion, take part in the celebration of festivals. Amiral Decree No. 5 of 1973 stipulates that all citizens, regardless of their religion or confession, have the right to participate in festivals, which are official holidays in the country. This strengthens solidarity and cohesion among the members of society and promotes a feeling of tolerance and mutual understanding among the various sections of the people.

The State's policy is to contribute, through the audio-visual information media, to the direct dissemination of all the various cultures, for which special television channels are allocated. Foreign books and newspapers are available and an international book fair is held every year.

With regard to the rejection and condemnation of racial discrimination, Bahrain takes part in the international community's celebration of the International Day for the Elimination of Racial Discrimination in all international forums. It also contributes to the international endeavours made in this regard. All the various audio-visual information media in the State of

Bahrain have an obligation to promote tolerance and mutual understanding, to condemn all forms of racial bigotry that would disrupt the social environment and to advocate the strengthening of the family ties, tolerance and mutual understanding which characterize the Bahraini people

Conclusion

While submitting this report to the Committee on the Elimination of Racial Discrimination, the Government of the State of Bahrain looks forward to beginning an ongoing and constructive dialogue with the distinguished Committee in furtherance of the endeavours that are being made to reaffirm the lofty humanitarian values and principles which the international community is striving to uphold and with which it is seeking to ensure compliance through the said Convention, on the provisions of which we have all agreed

The State of Bahrain wishes the distinguished Committee ongoing success in its tasks and, in its future reports, will endeavour to provide additional follow-up information on the achievements made in the field of the elimination of all forms of racial discrimination

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